



TO THE BAG

CORRECTING THE COMMENTARY REGARDING THE OPINION ON PALIMPSEST

To the *Bag*:

I have the David Roe precedent (*see In re Alexander Bickel and J. Harvie Wilkinson*, 16 GREEN BAG 2D 123, *rev'd* 16 GREEN BAG 2D 357) in mind, hoping and suggesting that you might permit the chastened to work off his regret by a form of confession of errors in *Chief Justice Warren E. Burger Writes a Certiorari Opinion on Palimpsest*, 17 GREEN BAG 2D 37 (2013). I leave the vehicle for redemption to you. However achieved, two mistakes call for correction:

1. At page 44, Mr. Whittington's name – as Dennis Hutchinson has rightly but gently reminded me – should have been reported as Bert, not Bart. This was a particularly inattentive failure on my part. The “Palimpsest” piece was drafted at my roll top desk under a framed and matted photograph of the Supreme Court as constituted during October Terms 1971 and 1972 in which my press credentials with Bert Whittington's name as “Press Relations” were inset, plainly showing to any eye that bothered to see and for any recollection prepared to be refreshed, the correct spelling of his name in legible type.

2. At page 40, in an error I found all by myself (*cf.* 16 GREEN BAG 2D 115), I have come to recognize that while the Florida presi-

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dential primary polls didn't close in the panhandle of Florida until 7 pm Central Time March 14, 1972, it was clear Governor Wallace had won before midnight Eastern time and thus it was misleading at the least to report as I did that "Wallace won the Florida primary on March 15, 1972." Here, I was prompted to revisit the issue by Bruce Ackerman's report in his recently published third volume of the "We The People" project, "The Civil Rights Revolution," that "The [busing] issue became more explosive on March 13 [sic], when George Wallace swept the Democratic presidential primary with 42 percent of the vote, carrying every county in the state over a strong field. (Hubert Humphrey finished a distant second with 19 percent)." A review of newspaper reports seems to me to establish the March 14 date, and, in fact, this is confirmed by the date in the footnoted source cited by Professor Ackerman, which appears to have been inaccurately transposed into the text by his book's copy editor. In any event, I leave it to Professor Ackerman in subsequent editions to correct that typographical error. As you can see, I have enough errors of my own with which to contend and for which to perform acts of expiation such as this.

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